

except those herein respectively provided, and that all warrants for moneys appropriated for stamps shall be made payable to the Post Master and not to "cash" or any individual, and provided further, that none of this money shall be paid to increase the salary of any employee now in the State Health Department.

SEC. 3. The fact that in many counties located in Texas as much as fifty (50%) per cent of the population are affected by malaria, as revealed by a survey recently made, and the fact that according to a conservative estimate by expert and professional public health workers that there is an annual economic loss of over One Million (\$1,000,000.00) Dollars to the unprotected people of Texas, and that the spread of said disease is reaching alarming proportions and is causing much suffering and many deaths among the poor people of this State who do not have means to secure proper medical aid and equip their homes with sanitary equipment creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Approved April 3, 1931.

Effective April 3, 1931.

[NOTE: S. B. No. 103 passed the Senate by a vote of 23 yeas, 4 nays; passed the House by a vote of 105 yeas, 15 nays.]

AUTHORIZING EXPENDITURES FROM AVAILABLE UNIVERSITY FUND.

H. B. No. 368.]

CHAPTER 42.

An Act to amend Article 2592 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 2592 of the Revised Civil Statutes of Texas of 1925 shall be so amended as to read hereafter as follows:

Article 2592. The Board of Regents of the University of Texas and the Board of Directors of the Agricultural and Mechanical College of Texas shall, with the approval of the Legislature, expend the Available University Fund for the construction of buildings on the campuses of their respective institutions and for the extension and improvement of their campuses and for the equipment of buildings thereon in the proportions and amounts hereinafter indicated; and to pay interest and principal sufficient to retire any obligations which may be incurred by virtue of any pledges made by the respective institutions as herein provided; and the Board of Regents of the University

of Texas shall expend of such Available University Fund so much thereof as may be appropriated by the Legislature for the administration of the University Lands and of the University Permanent Fund, such expenses to be apportioned between the two institutions in proportion to their receipts of Available University Funds under the terms of this Act. For the years beginning September 1, 1931, September 1, 1932, September 1, 1933, the sum of Two Hundred Thousand (\$200,000.00) Dollars net shall accrue for each of said years of said Available University Fund to the Agricultural and Mechanical College of Texas and shall be expended by the Board of Directors of that institution for said Agricultural and Mechanical College purposes, and the Board of Regents of the University of Texas shall expend the balance of said Available Fund for said University of Texas purposes.

Beginning September 1, 1934, the Board of Directors of the Agricultural and Mechanical College of Texas shall so expend one-third of all the Available University Fund received from the Permanent University Fund arising from the 1,000,000 acres of land appropriated by the Constitution of 1876 and the land appropriated by the Act of 1883, except income from grazing leases on University lands (less its proportion of expenses of administration and excluding any expenses of administration from grazing leases), and the Board of Regents of the University of Texas shall so expend the balance of said Available Fund, including all the income from grazing leases on University lands (less its proportion of expenses of administration).

The Board of Directors of the Agricultural and Mechanical College of Texas shall have the right to pledge that part of the Available University Fund hereby placed at its command, and the Board of Regents of the University of Texas shall have the right to pledge that part of the Available University Fund placed at its command for not exceeding fifteen years to make the said funds immediately available. Any contract for expenditures of said interests and income for any purpose other than those named shall be void. No surface lease of said lands shall be made for a period of more than ten years.

SEC. 2. Due to the fact that there are several million dollars involved, and furthermore A & M College and the University of Texas are in need of campus improvements and of buildings which must be planned and projected creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Approved April 8, 1931.

Effective April 8, 1931.

[NOTE: H. B. No. 368 passed the House by a vote of 106 yeas, 4 nays; passed the Senate with amendment by a vote of

31 yeas, 0 nays; House refused to concur in Senate amendment and Free Conference Committee was appointed; House adopted Free Conference Committee report by a vote of 102 yeas, 1 nay, 4 present and not voting; Senate adopted Free Conference Committee report by a vote of 30 yeas, 0 nays.]

PERMITTING WAIVER OF JURY TRIAL IN FELONY CASES.

S. B. No. 53]

CHAPTER 43.

An Act authorizing defendants in felony cases less than capital offenses, upon entering a plea of guilty and with the consent and approval of the Court and the State's Attorney, to waive the right of a trial by a Jury and to be tried by the Court; amending Articles 11, 12 and 658 of the Code of Criminal Procedure of the State of Texas so as to make them conform to such right; enacting an Article to be known as Article 776a Code of Criminal Procedure, so as to permit the Court under certain conditions and in certain cases to suspend the sentence of the defendant; providing that before a defendant who has no Attorney can agree to waive a Jury, the Court must appoint an Attorney to represent him; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 10a. The defendant in a Criminal prosecution for any offense classified as a felony less than a capital offense, shall have the right, upon entering a plea of guilty, to waive the right of a trial by a Jury, conditioned, however, that such waiver must be made in person by the defendant in open Court with the consent and approval of the Court and the duly elected and acting Attorney representing the State. Provided, that said consent and approval by the Court shall be entered of record on the Minutes of the Court and the consent and approval of the Attorney representing the State shall be in writing, duly signed by said Attorney and filed in the papers of the Cause before the defendant enters his plea of guilty.

Provided, that before a defendant who has no Attorney can agree to waive a Jury, the Court must appoint an Attorney to represent him.

SEC. 2. Article 11 of the Code of Criminal Procedure of the State of Texas is hereby amended so as to hereafter read as follows, to-wit:

"Article 11. The defendant in a Criminal prosecution for any offense, may waive any right secured him by Law except the right of a trial by a Jury in a felony case when he enters a plea of not guilty."

SEC. 3. Article 12 of the Code of Criminal Procedure of the State of Texas is hereby amended so as to hereafter read as follows, to-wit: